

1 Stanley Moryl Jr
2 554 Congress
3 San Antonio, TX 78214
4 210-907-4531
5 Defendant in Pro Se

6 RECEIVED

7 JAN - 6 2020

8 CLERK, U.S. DISTRICT CLERK
WESTERN DISTRICT OF TEXAS
BY Mm DEPUTY

9 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

SA20CA0009 DAE

10 SANDRA ZAMORA

11 Plaintiff,

12 vs.

13 STANLEY J MORYL JR

14 Defendant.

) Case No.:

) NOTICE OF REMOVAL

) [28 U.S.C. 1441, 14446 (6)]

) FROM THE COUNTY COURT OF BEXAR
COUNTY

) Case No.: 12E1904102

15 Defendant alleges:

16 PARTIES AND COUNSEL

17 1. Defendant, STANLEY J MORYL JR, and Plaintiff, SANDRA ZAMORA are
18 those parties in a Texas County Court filed in the Bexar County Court of Bexar County,
19 concerning real property located at , 554 Congress, San Antonio, TX 78214 [hereinafter
20 referred to as "premises"], within this court's jurisdiction.

21 2. Defendant, STANLEY J MORYL JR are the tenants of the premises, and
22 participants in this litigation.

23 3. Wherefore, Defendant, is a bona fide tenant.

24 4. Plaintiff is NOT represented by counsel in the County Court action.

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26 ///

27 FEDERAL QUESTION

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2 5. Plaintiff has actually filed a Federal Question Action in County Court, for which
3 the County Court Action is removed under 28 U.S.C. 1441 *et seq.* **Hunter v Phillip**
4 **Morris**, USA, 582 F. 3d 1039, 1042-43 (9th Cir. 2009); 28 U.S.C. 1331.

5 6. The Complaint in this action was filed in County Court as artful pleading,
6 entitled by the County Court of Bexar as "Eviction Citation". Pleadings intentionally fails
7 to allege compliance with the Civil Rights Act of 1968.

8 7. A well-placed Complaint is shown at least where the Plaintiff's right to relief
9 necessarily depends on resolution of a substantial question of Federal Law.
10 [**Armstrong v N. Mariana Islands**, 576 F. 3d 950, 954-55 (9th Cir. 2009); **Empire**
11 **Healthcare Assurance v. McVeigh** 547 US 677, 687-690 (2006); **Franchise Tax Bd v.**
12 **Const. Laborers Vacation Trust for S. Cal.** 463 US 1, 12, 27-28 (1983)].

13 8. Even where the cause of action is based on state law, the District Court has
14 subject matter jurisdiction over the case if (1) the federal issues are essential to the
15 claims, (2) there is a substantial federal issues in resolving such issues, and (3) a
16 Federal forum may entertain the State Law claims without disturbing the balance of
17 Federal and State judicial responsibilities. [**Grable & Sons Metal Prods v. Darue Engr**
18 **& Mfg.** 545 US 308, 313, 315 (2005)]. Here, the rights of the Defendants are clearly at
19 stake.
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21

22 9. To be a Federal Cause of Action, there must also be a private right of action.
23 [**Merrill Dow Pharms. Inc. v. Thompson** 478 US 804, 817 (1986)]. It can be either
24 express or implicit. [**Diaz v. Davis** 549 Fed 3d 1223, 1229-1230 (9th Cir. 2008)]. The
25 Court must look to the "rights creating" language and statutory structure within which it
26 is contained. [**Lamie v. Unites States Trustee** 540 US 526, 534 (2004)]. The Court
27 must assume that Congress did not intend to create a right without a remedy. [First
28

1 ***Pacific Bancorp, Inc. v. Helfer***, 224 F. 3d 1117, 1123, 1125-26, (9th Cir. 2000)].

2
3 10. Defendant is a members of a protected class of whom the statue, the
4 "Civil Rights Act of 1968" was created.

5 11. The Federal Cause of Action in ejectment is the basis for this action,
6 irrespective of artful pleading, such that action could have been brought in Federal
7 District Court.

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10 **REMOVED ACTION**

11 12. The Notice of Removal is timely under Section 1446 (b) of Title 28 of the
12 United States Code because it is filed within 30 days of discovering that the case was
13 ripe for removal.

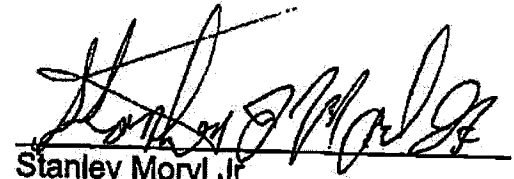
14 13. A true and correct copy of the County Court Complaint of the action,
15 Defendant's Pre-Judgment Claim of Right to Possession and related documents, sought
16 to be removed to this Court are attached hereto and incorporated herein by reference.

17 14. Defendant is a bona fide residential tenant and entitled to the protection of
18 the Federal Court, and entitled to remove this action to Federal Court.

19 15. Under Texas Code of Civil Procedure the County Court hereby loses
20 jurisdiction under the Federal Rules of Civil Procedure and does not recover jurisdiction,
21 if at all, until and unless this action is remanded to the County Court, after which
22 jurisdiction will again attach as described in that statute.
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Dated: January 4, 2020



Stanley Moryl Jr
554 Congress
San Antonio, TX 78214
210-907-4531
Defendant in Pro Se

**COUNTY COURT OF BEXAR COUNTY
STATE OF TEXAS**

SANDRA ZAMORA

) Case No.:12E1904102

Plaintiff,

DEFENDANT'S NOTICE OF FILING
NOTICE OF REMOVAL TO FEDERAL
COURT

VS.

STANLEY J MORYL JR

Defendant.

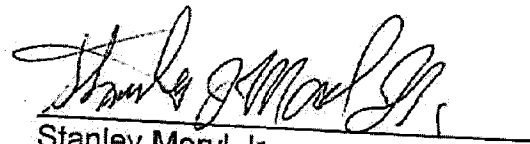
TO: THE CLERK OF THE ABOVE-ENTITLED COURT, AND COUNSEL OF RECORD
PLEASE TAKE NOTICE that defendant, STANLEY J MORYL JR, today filed in The
Office of Clerk of the United States District Court for the Western District of Texas, a
Notice and Petition removing the above-captioned pending action to The United States
District Court.

FEDERAL CASE

#

Pursuant to 28 U. S.C 1446 (d), the filing of The Petition for Removal with The Clerk of the District Court together with giving of this notice "**shall effect the removal and The State Court shall proceed no further unless and until the case is remanded**" by The United States Court for the Western District of Texas.


Dated: January 4, 2020



Stanley Moryl Jr
554 Congress
San Antonio, TX 78214
210-907-4531
Defendant in Pro Se

534 CONGRESS
SAN ANTONIO TX

TE STAMP AND TIME: 12/18/2019 10:05:08 AM

Delivered this 19 day of Dec 201st M
BY  Deputy

06-18-2019 17:00
06-18-2019 17:00

CAUSE NO. 12E1904102

SANDRA ZAMORA

Plaintiff(s)

VS.

STANLEY J MORYL JR

Defendant(s)

In the Justice Court

BEXAR PRECINCT 1, Place 2

Bexar County, Texas

JUDGMENT
(EVICTION/ FE&D)

On this day came to be heard the above captioned cause. Plaintiff(s) announced ready. The Court finds that Defendant(s) have been served with citation in accordance with the Rules of Civil Procedure to appear, and have

☒ Appeared or ☐ Made Default

The Court, after having examined the pleadings, and heard the evidence and argument of counsel on all matters in controversy as well as of law, finds that the facts alleged in Plaintiff's Complaint have been proven by full and satisfactory evidence, and further finds that Plaintiff(s) properly terminated the lease or tenancy at issue in this case, and therefore, Defendant(s) have forcibly detained the premises described in Plaintiff's Complaint, and that Plaintiff(s) should recover damages for the reasonable rental value of the property, plus attorney fees (if any), plus court costs.

The Court determines that Defendant's monthly rental is \$ 0.00, of which \$ 0.00 is paid by a government agency, and the remainder is paid by Defendant. If this is a residential eviction case based on non-payment of rent, monthly rent in the same proportional amounts stated above shall be paid each rental pay period during the pendency of any appeal.

IT IS THEREFORE ORDERED AND DECREED:

Plaintiff(s) have restitution of the premises described in Plaintiff's Complaint, and have judgment for rent in the amount of \$ 1,400.00, plus court costs, plus attorney fees in the amount of \$, and interest at the highest rate allowed by law, for all which let execution issue. All writs, including a Writ of Possession, shall issue in enforcement of this judgment.

This judgment finally disposes of all parties and all claims and is appealable..

Signed this 30TH day of DECEMBER, 20 19

By: 

JUDGE CIRO D RODRIGUEZ
Justice Court BEXAR PRECINCT 1, Place 2
3505 Pleasanton Rd
San Antonio, TX 78221-2734
Phone: 210-335-4500

Defendant's appeal bond is set at \$ 1,600.00

Original

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